

Issuance Date: June 30, 2005

Effective Date: August 1, 2005

Expiration Date: June 29, 2010

STATE WASTE DISCHARGE PERMIT NUMBER ST 5354

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY  
Eastern Regional Office

In compliance with the provisions of the  
State of Washington Water Pollution Control Law  
Chapter 90.48 Revised Code of Washington, as amended,  
authorizes

J.R. Simplot Company  
1201 N. Broadway  
Othello, WA 99344

to discharge wastewater in accordance with the special and general conditions which follow.

Facility Location: the northwestern corner of  
the city limits of Othello (Adams Co.); west  
of the intersection of McManamon and  
Cunningham Rds.

Industry Type Potato Processor

SIC Code: 2037

Facility Location: Sec. 33, T. 16N., R. 29  
EWM;

Latitude: 46° 50' 16" N

Longitude: 119° 10' 30" W

Land Treatment site: Approximately 3200 acres located  
in: Sec. 28 and 33, T. 16, R.31; N ½ of Sec 5, N ½ and  
SW ¼ Sec 4, T. 15, R.31; W ½ Sec 34, T.16, R.31; S ½  
Sec 32, T.16, R.31; Sec 31, T.16, R.31; W ½ NE ¼ and  
E ½ NW ¼ Sec 6, T. 15, R. 31; and, SE ¼ Sec 25, T.16,  
R.30 EWM.

Latitude: 46° 49' 34" N

Longitude: 118° 57' 25" W

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James M. Bellatty  
Water Quality Section Manager  
Eastern Regional Office  
Washington State Department of Ecology

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**SUMMARY OF PERMIT REPORT SUBMITTALS**

Refer to the Special and General Conditions of this permit for additional submittal requirements.

<b>Permit Section</b>	<b>Submittal</b>	<b>Frequency</b>	<b>First Submittal Date</b>
S3.A.	Discharge Monitoring Report	Monthly	September 15, 2005
S5.A.	Operations and Maintenance Manuals - Updates	1/permit cycle	July 1, 2006
S6.C.	Solid Waste Control Plan - Update	1/permit cycle	July 1, 2006
S7.	Spill Plan - Update	1/permit cycle	July 1, 2006
S8.	Irrigation and Crop Management Plan	1/ year	April 1, 2006
G7.	Application for permit renewal	1/permit cycle	November 30, 2009

## SPECIAL CONDITIONS

### S1. DISCHARGE LIMITATIONS

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a concentration in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Beginning on the effective date and lasting through the expiration date of this permit, the Permittee is authorized to apply wastewater to land via spray irrigation at agronomic rates, for nitrogen and water, and at rates for other wastewater constituents that are protective of the background ground water quality.

The Permittee is authorized to apply wastewater for final treatment on the following designated irrigation lands:

Approximately 3200 acres located in: Sec. 28 and 33, T. 16N, R.31E; N ½ of Sec 5, N ½ and SW ¼ Sec 4, T. 15N, R.31E; W ½ Sec 34, T.16N, R.31E; S ½ Sec 32, T.16N, R.31E; Sec 31, T.16N, R.31E; W ½ NE ¼ and E ½ NW ¼ Sec 6, T. 15N, R. 31E; and, SE ¼ Sec 25, T.16N, R.30 EWM.

Total net nitrogen and water applied to the irrigation lands shall not exceed the crop requirements as determined by the Permittee's Irrigation and Crop Management Plan, Condition S8.

### S2. MONITORING REQUIREMENTS

#### A. Process Wastewater Monitoring

The sampling point for the process wastewater shall be located so as to be representative of the wastewater pumped from the processing facility to the lagoon/sprayfield site.

The Permittee shall monitor the process wastewater according to the following schedule:

Parameter	Units	Sampling Frequency	Sample Type
Flow (monthly total, avg, max)	MG; MGD	Continuous <sup>1</sup>	metered
<sup>1</sup> Continuous means uninterrupted except for brief lengths of time for calibration, for power failure, or for unanticipated equipment repair or maintenance. Sampling shall be taken hourly when continuous monitoring is not possible			

**B. Irrigated Wastewater Monitoring**

The sampling point for the irrigated wastewater shall be at a location that best represents what is being pumped and applied to the land treatment sprayfields.

The Permittee shall monitor the irrigated wastewater according to the following schedule while irrigating during the land application season.

<b>Parameter</b>	<b>Units</b>	<b>Sampling Frequency</b>	<b>Sample Type</b>
Flow <sup>1</sup>	MGD	Continuous	metered
pH	s.u.	1/ month	Grab
TKN (as N)	mg/L; lbs/day	1/ month	Grab
Total COD	mg/L; lbs/day	1/ month	Grab
Total Soluble COD	mg/L; lbs/day	1/ month	Grab
Fixed Dissolved Solids	mg/L; lbs/day	1/ month	Grab
Sodium	mg/L	2/ year <sup>2</sup>	Grab
Calcium	mg/L	2/ year <sup>2</sup>	Grab
Magnesium	mg/L	2/ year <sup>2</sup>	Grab
Potassium	mg/L	2/ year <sup>2</sup>	Grab
Sulfate	mg/L	2/ year <sup>2</sup>	Grab
Chloride	mg/L	2/ year <sup>2</sup>	Grab
Bicarbonate	mg/L	2/ year <sup>2</sup>	Grab
Total Phosphate (as P)	mg/L	2/ year <sup>2</sup>	Grab
Ortho-phosphate (as P)	mg/L	2/ year <sup>2</sup>	Grab
<sup>1</sup> Flows to each sprayfield shall be reported with the annual Irrigation and Crop Plan; Section S8. <sup>2</sup> Sampling will be done in May and August			

C. Freshwater Irrigation Monitoring

The sampling point for the freshwater irrigation monitoring shall be at the S&C Deep Well, and from a location that best represents water from the U.S. Bureau of Reclamation's East Low Canal.

The Permittee shall monitor the freshwater irrigation water according to the following schedule while irrigating during the land application season. The values shall be reported in the annual Irrigation and Crop Management Plan; Section S8.

Parameter	Units	Sampling Frequency	Sample Type
TKN (as N)	mg/L	1/ permit cycle <sup>1</sup>	Grab
Nitrate (as N)	mg/L	1/ permit cycle <sup>1</sup>	Grab
Fixed Dissolved Solids	mg/L	1/ permit cycle <sup>1</sup>	Grab
Sodium	mg/L	1/ permit cycle <sup>1</sup>	Grab
Calcium	mg/L	1/ permit cycle <sup>1</sup>	Grab
Magnesium	mg/L	1/ permit cycle <sup>1</sup>	Grab
Chloride	mg/L	1/ permit cycle <sup>1</sup>	Grab
Sulfate	mg/L	1/ permit cycle <sup>1</sup>	Grab
Bicarbonate	mg/L	1/ permit cycle <sup>1</sup>	Grab
<sup>1</sup> 1/ permit cycle means August 2005.			

D. Soil Monitoring

1. Annual Monitoring

The Permittee shall perform soil monitoring on the irrigation lands once per year at a time that best represents conditions at the end of the growing season. The sampling sites shall be located so as to be representative of each irrigation site or as represented in the crop management plan. If possible, sampling sites shall remain in the same vicinity from year to year. Testing at each sampling site shall be done on one foot soil increments or until probe refusal. Results shall be submitted with the annual Irrigation and Crop Management Plan; Section S8.

Composite samples will be for six depths [0-12"; 12-24"; 24-36"; 36-48"; 48-60"; 60-72"(or until probe refusal)] and will be from a minimum of six (6) cores.

The Permittee shall monitor the soils at each of the center pivot and wheel line sprayfields according to the following schedule:

Parameter	Units	Sample Frequency	Depth	Sample Type
Sodium Adsorption ratio (SAR)	*****	1/ year	1	Composite
Cation exchange capacity	meq/100g	1/ year	1	Composite
Organic matter	%	1/ year	1	Composite
Moisture content	inches	1/ year	1-6	Composite
Conductivity	Mmhos/cm	1/ year	1-6	Composite
pH	s.u.	1/ year	1	Composite
TKN (as N)	mg/Kg	1/ year	1-6	Composite
NO <sub>3</sub> (as N)	mg/Kg	1/ year	1-6	Composite
NH <sub>3</sub> (as N)	mg/Kg	1/ year	1-6	Composite
Ortho-phosphate (as P)	mg/Kg	1/ year	1	Composite
Sodium	meq/100g	1/ year	1	Composite
Calcium	meq/100g	1/ year	1	Composite
Magnesium	meq/100g	1/ year	1	Composite
Potassium	mg/Kg	1/ year	1	Composite
Sulfate (as S)	mg/Kg	1/ year	1	Composite
Total Fixed Salts	mg/Kg	1/ year	1-6	Composite

#### E. Crop Monitoring

The Permittee shall perform crop monitoring for each field and shall collect a minimum of five (5) composite samples for each crop type, at harvest, for comparison to the range of values found in the literature used by the Permittee for calculating nutrient balances. If the values for any crop are more than 25% different from the literature values, the Permittee shall sample that crop again the following year. If the crop nutrient values are consistently different from the literature values, the Permittee shall thereafter use the average values from its own two years of sampling. If the values for the second year are within 25% of the literature values then the Permittee shall continue to use the literature values used in previous annual summaries.

The results of the crop monitoring shall be reported in the annual Irrigation and Crop Plan; Section S8.



Parameter	Units
Crop production	dry tons/ac
Moisture content	%
Total Kjeldahl Nitrogen	%
NO <sub>3</sub> (as N)	mg/Kg (dry wt)
Total-Phosphate (as P)	mg/Kg (dry wt)
Ash weight	mg/Kg (dry wt)
Bicarbonate	mg/Kg (dry wt)

F. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the wastewater monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

All soil analysis and reporting will be in accordance with *Laboratory Procedures*, Soil Testing Laboratory, Washington State University, November 1981, or the most recent, widely accepted equivalent.

G. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements is consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least one calibration per year. Calibration records shall be maintained for at least three years.

H. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, pH, and internal process control parameters are exempt from this requirement. pH shall be accredited if the laboratory must otherwise be registered or accredited.

Crops and soils testing have not been included in the accreditation program. Crops and soils data shall be provided by a reputable agricultural test lab that is an active participant in a nationally recognized agricultural laboratory proficiency testing program.

### **S3. REPORTING AND RECORDKEEPING REQUIREMENTS**

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

#### **A. Reporting**

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted monthly. Monitoring data obtained, as required by Section S2.A and S2.B during the previous month, shall be summarized and reported on a form provided, or otherwise approved, by the Department, and be received no later than the 15th day of the month following the completed reporting period, unless otherwise specified in this permit. The report shall be sent to:

Water Quality Permit Coordinator  
Department of Ecology  
4601 N. Monroe St.  
Spokane, Washington 99205-1295

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge or the facility was not operating during a given monitoring period, submit the form as required with the words "No Discharge" entered in place of the monitoring results.

#### **B. Records Retention**

The Permittee shall retain records of all monitoring information for a minimum of three years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

#### **C. Recording of Results**

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place and time of sampling; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2. of this permit, then the results of this monitoring shall be included in calculation and reporting of the data submitted in the Permittee's self-monitoring reports.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the permit terms and conditions due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the violation, and correct the problem;
2. Repeat sampling and analysis of any violation and submit the results to the Department within 30 days after becoming aware of the violation;
3. Immediately notify the Department of the failure to comply; and
4. Submit a detailed written report to the Department within thirty days, unless requested earlier by the Department, describing the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of the resampling, and any other pertinent information.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

F. Odor Complaints

The Permittee shall report all odor complaints with the monthly discharge reports as required in Section S3.A. A complete description shall be given for each complaint and all actions taken by the Permittee in response to the complaint.

G. Maintaining a Copy of This Permit

A copy of this permit shall be kept at the facility and be made available upon request to Ecology inspectors.

**S4. FACILITY LOADING**

Design Criteria

Flows or waste loadings of the following design criteria for the permitted treatment facility shall not be exceeded:

Daily maximum flow (from the processing facility) 2.88 MGD

The total design storage volume of the irrigation pond system (260 MG) shall not be exceeded.

**S5. OPERATION AND MAINTENANCE**

The Permittee shall at all times be responsible for the proper operation and maintenance of any facilities or systems of control installed to achieve compliance with the terms and conditions of the permit.

**A. Operations and Maintenance Manual**

No later than July 1, 2006, the Permittee shall submit updates of the Operations and Maintenance (O&M) Manuals for the pretreatment facilities, and the lagoon, pump stations and piping. The manuals shall comply with the requirements for industrial wastewater facility O&M manuals; WAC 173-240-150.

The O&M Manuals shall be reviewed by the Permittee at least annually. All manual changes or updates shall be submitted to the Department for review and approval whenever they are incorporated into the manual. The approved operation and maintenance manual shall be kept available at the permitted facility.

The operation and maintenance manual shall contain the treatment plant process control monitoring schedule. All operators shall follow the instructions and procedures of this manual.

In addition to the requirements of WAC 173-240-150(1) and (2), the manual shall include:

1. Emergency procedures for plant shutdown and cleanup in event of wastewater system upset, failure, or transmission pipe leak;
2. Irrigation system operational controls and procedures, including pumps and flow meters;
3. Plant maintenance procedures;
4. A process control monitoring schedule
5. Wastewater sampling protocols for compliance with the sampling and reporting requirements in the wastewater discharge permit

**B. Bypass Procedures**

The Permittee shall immediately notify the Department of any spill, overflow, or bypass from any portion of the treatment system.

The bypass of wastes from any portion of the treatment system is prohibited unless one of the following conditions (1, 2, or 3) applies:

1. *Unavoidable Bypass* -- Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

If the resulting bypass from any portion of the treatment system results in noncompliance with this permit the Permittee shall notify the Department in accordance with condition S3.E "Noncompliance Notification."

2. *Anticipated Bypass That Has The Potential to Violate Permit Limits or Conditions* -- Bypass is authorized by an administrative order issued by the Department. The Permittee shall notify the Department at least 30 days before the planned date of bypass. The notice shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Department will consider the following prior to issuing an administrative order:
  - a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of the permit.
  - b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
  - c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by the Department under RCW 90.48.120.

3. *Bypass For Essential Maintenance Without the Potential to Cause Violation of Permit Limits or Conditions* -- Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of the permit, or adversely impact public health as determined by the Department prior to the bypass.

#### C. Irrigation Land Application

1. The system shall be operated so as to protect the existing and future beneficial uses of the ground water and not cause a violation of the ground water standards.

2. There shall be no runoff of wastewater applied to land by spray irrigation to any surface waters of the state or to any land not owned by or under control of the Permittee.
3. The Permittee shall use recognized good practices, and all available and reasonable procedures to control odors from the land application system. When notified by the Department, the Permittee shall implement measures to reduce odors to a reasonable minimum.
4. The wastewater shall not be applied to the irrigation lands in quantities that:
  - a. Significantly reduce or destroy the long-term infiltration rate of the soil.
  - b. Would cause long-term anaerobic conditions in the soil.
  - c. Would cause ponding of wastewater and produce objectionable odors or support insects or vectors.
  - d. Would cause leaching losses of constituents of concern beyond the treatment zone or in excess of the approved design. Constituents of concern are constituents in the wastewater, partial decomposition products, or soil constituents that would alter ground water quality in amounts that would affect current and future beneficial uses.
5. The Permittee shall maintain all irrigation agreements for lands not owned for the duration of the permit cycle. Any reduction in irrigation lands by termination of any irrigation agreements may result in permit modification or revocation. The Permittee shall immediately inform the Department in writing of any proposed changes to existing agreements.

D. Best Management Practices

1. The irrigation management of the sprayfields shall be done in a manner such that the leaching fraction is equal to or less than the leaching requirement.
2. Every effort shall be made to perform leaching only when necessary, only during the late winter, and use only precipitation and fresh water not mixed with any wastewater.
3. The growth of a volunteer cover crop on all fallow fields shall be promoted.
4. Utilize and implement the irrigation practices given in Chapter 4 of the "Irrigation Management Practices" manual (Ecology/WSU, 1995).

**S6. SOLID WASTE DISPOSAL****A. Solid Waste Handling**

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

**B. Leachate**

The Permittee shall not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

**C. Solid Waste Control Plan**

No later than July 1, 2006, the Permittee shall submit an updated solid waste control plan. This plan shall include all solid wastes generated from the potato processing. The plan shall include at a minimum a description, source, generation rate, and disposal methods of these solid wastes. This plan shall not be at variance with any approved local solid waste management plan.

Any proposed revision or modification of the solid waste handling plan must be submitted to the Department. The Permittee shall comply with the plan and any modifications thereof.

**S7. SPILL PLAN**

No later than July 1, 2006, the Permittee shall submit to the Department an update to the existing Spill Control Plan.

The Permittee shall review the plan at least annually and update the Spill Plan as needed. Changes to the plan shall be sent to the Department. The plan and any supplements shall be followed throughout the term of the permit.

The updated spill control plan shall include the following:

- A description of operator training to implement the plan.
- A description of the reporting system which will be used to alert responsible managers and legal authorities in the event of a spill.
- A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.
- A description of the response procedure in the event of a wastewater release from the transmission pipeline.

- A list of all materials which when spilled or otherwise released into the environment, may become pollutants, cause pollution upon reaching state's waters, or cause a disruption in the wastewater collection and treatment system.

## **S8. IRRIGATION AND CROP MANAGEMENT PLAN**

An Irrigation and Crop Management Plan shall be submitted annually by April 1<sup>st</sup> of each year for Department review. The plan shall generally conform with *Guidelines for Preparation of Engineering Reports for Industrial Wastewater Land Application Systems*, Ecology 1993. The plan must be prepared by a soil scientist. The plan shall include the following elements:

### **A. Annual Summary of Farm Operations for Previous Year**

This summary shall include:

1. For each crop grown, the total acreage and quantity harvested.
2. Calculated balances for nutrients, salts, or other design limiting parameters. The calculations shall include crop consumptive use, process wastewater loadings of nutrients, salts, or other design limiting parameters, and contributions from commercial fertilizers and fresh water applied.

For crops that are less “grain/grass” like (i.e., non-forage crops) and have a large amount of vegetative growth (e.g., corn, potatoes), the use of literature values for nutrient uptake is acceptable. Otherwise, crop monitoring results shall be used in the balance determinations.

3. Calculated water balance. The calculations shall include irrigation system efficiency and application uniformity, the quantity of supplemental irrigation water and process wastewater applied, crop consumptive use, water stored in the soil profile, and leaching fractions.
4. Best Management Practices. The report shall include a narrative on meeting the BMPs listed in Section S5.D of this permit.
5. Soil testing results. A summary of the soil testing results shall be submitted and discussed as part of the annual Irrigation and Crop Management Plan.

Soil profile data for nitrate, moisture, and conductivity will be presented for each sprayfield for the previous year.

The soil profile data for nitrate, moisture, and conductivity will be presented for each sprayfield for the two most previous years, and compared to the field's respective background values.

6. Crop testing results. A summary of the crop testing results shall be submitted and discussed.



7. The actual total net nitrogen, water, COD, and FDS loads, and the leaching fractions for each field shall be compared to the estimated values presented in the previous year's Irrigation and Crop Plan.
8. Compare crop uptake values of nitrogen, FDS, and water for actual and estimated values.
9. The leaching fraction values for each field shall be compared to the leaching requirement.

B. Cropping Schedule for Upcoming Year

This schedule shall include:

1. Crop Management. The proposed acreage for each crop, cultivation and harvesting requirements, expected crop yields, and methods for establishing a crop, and proposed schedule for herbicide, pesticide, and fertilizer application.
2. Irrigation Management. The frequency and timing of wastewater and supplemental irrigation water application (including harvest and non-harvest periods), and recommended rest cycles for wastewater application where organic or hydraulic loading is a concern.

The discussion of the proposed irrigation management shall include an estimation of the leaching requirement for each field and the plan to meet the requirement.

3. The estimated annual total net nitrogen and water load capacity, and FDS and BOD load for each field based on the estimated process wastewater discharge and planned crop rotation.
4. Best Management Practices: A description of the irrigation and crop BMPs that will be implemented to help insure compliance with the agronomic rate and ground water quality protection discharge limitations in Section S1 of the permit by the sprayfield site.

## **GENERAL CONDITIONS**

### **G1. SIGNATORY REQUIREMENTS**

All applications, reports, or information submitted to the Department shall be signed as follows:

- A. All permit applications shall be signed by either a principal executive officer or ranking elected official.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - 1. The authorization is made in writing by the person described above and is submitted to the Department at the time of authorization, and
  - 2. The authorization specifies either a named individual or any individual occupying a named position.
- C. Changes to authorization. If an authorization under paragraph B.2. above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

### **G2. RIGHT OF ENTRY**

Representatives of the Department shall have the right to enter at all reasonable times in or upon any property, public or private, for the purpose of inspecting and investigating conditions relating to the pollution or the possible pollution of any waters of the state. Reasonable times shall include normal business hours; hours during which production, treatment, or discharge occurs; or times when the Department suspects a violation requiring immediate inspection. Representatives of the Department shall be allowed to have access to, and copy at reasonable cost, any records required to be kept under terms and conditions of the permit; to inspect any monitoring equipment or method required in the permit; and to sample the discharge, waste treatment processes, or internal waste streams.

**G3. PERMIT ACTIONS**

This permit shall be subject to modification, suspension, or termination, in whole or in part by the Department for any of the following causes:

- A. Violation of any permit term or condition;
- B. Obtaining a permit by misrepresentation or failure to disclose all relevant facts;
- C. A material change in quantity or type of waste disposal;
- D. A material change in the condition of the waters of the state; or
- E. Nonpayment of fees assessed pursuant to RCW 90.48.465.

The Department may also modify this permit, including the schedule of compliance or other conditions, if it determines good and valid cause exists, including promulgation or revisions of regulations or new information.

**G4. REPORTING A CAUSE FOR MODIFICATION**

The Permittee shall submit a new application, or a supplement to the previous application, along with required engineering plans and reports, whenever a new or increased discharge or change in the nature of the discharge is anticipated which is not specifically authorized by this permit. This application shall be submitted at least 60 days prior to any proposed changes. Submission of this application does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

**G5. PLAN REVIEW REQUIRED**

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications should be submitted at least 180 days prior to the planned start of construction. Facilities shall be constructed and operated in accordance with the approved plans.

**G6. COMPLIANCE WITH OTHER LAWS AND STATUTES**

Nothing in the permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

**G7. DUTY TO REAPPLY**

The Permittee must apply for permit renewal at least 180 days prior to the specified expiration date of this permit.

**G8. PERMIT TRANSFER**

This permit is automatically transferred to a new owner or operator if:

- A. A written agreement between the old and new owner or operator containing a specific date for transfer of permit responsibility, coverage, and liability is submitted to the Department;

- B. A copy of the permit is provided to the new owner and;
- C. The Department does not notify the Permittee of the need to modify the permit.

Unless this permit is automatically transferred according to section A. above, this permit may be transferred only if it is modified to identify the new Permittee and to incorporate such other requirements as determined necessary by the Department.

#### **G9. PAYMENT OF FEES**

The Permittee shall submit payment of fees associated with this permit as assessed by the Department. The Department may revoke this permit if the permit fees established under Chapter 173-224 WAC are not paid.

#### **G10. PENALTIES FOR VIOLATING PERMIT CONDITIONS**

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation.